



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

out it all paper schemes for the establishment of courts, whether permanent or occasional, are worth no more than the paper upon which they are written.

If we bear this in mind we shall see the answer to another objection which Dr. Borchard makes. He cites a number of modern instances in which various governments, including that of the United States, have deliberately rejected the appeal to arbitration in favor of the appeal to force. The facts are beyond dispute, but surely the true explanation of them is that public opinion is not yet educated to the point at which it will demand judicial settlement in all save the rare cases where urgent necessity compels an immediate resort to arms. And, further, we may be perfectly sure that in the present temper of mankind we are likely to see many more examples of the same kind of thing.

No well-informed supporter of the idea of an international court believes that the mere establishment of the new tribunal is going to usher in the reign of universal peace and good will among men. The fact that it has been set up is a symptom and not a cause. It is a sign that the general desire for judicial settlement has, at any rate, progressed so far as to secure the erection of the necessary machinery. The successful operation of the mechanism depends upon a continuous supply of the necessary driving-power in the form of a universal and vigorous demand that justice shall take the place of war. The joint experience of the United States and Canada has shown that the thing can be done. What we are now attempting is to enlarge the area of this successful experiment until it covers the whole of the civilized world.

It seems to me that those of us who venture to speak or to write upon this question have before us a choice of two courses. Throughout the world, among all nations and among all classes, there is a division of opinion between those who believe in the possibility of ultimately eliminating war and those who do not. Among the latter there is a small section which even believes that war is intrinsically desirable and does not want it to be eliminated. This point of view has found its ablest advocacy in Germany, but is represented in most countries, particularly in those which are powerful and wealthy. I believe that it finds very small support among the millions of men who, like myself, have been actively engaged in the late war. For the present I ignore this section of opinion and refer only to the main issue.

Upon this main issue we are compelled definitely to take one side or the other; that is to say, we can either help to create a public opinion favorable to judicial settlement or we can direct our energies to preventing it. In the long run, the success or failure of the court depends upon the extent to which it is supported by the public opinion of the world. If we succeed in persuading our fellow-men that the court can and should normally be used for the settlement of international disputes, we shall have created the principal condition upon which its effectiveness depends. If, on the other hand, we are continually repeating: "This court is an impossibility; it is contrary to human nature; men are only actuated by selfish motives, and will always fight if they think they are likely to win," then we are working for its failure. Our propaganda, if men believe in it, will

have succeeded in creating precisely that atmosphere of contempt and cynicism which is necessary to destroy the usefulness of the court.

Of course, I do not mean that criticism ought to be silent. The court as constituted is no more likely to be perfect than any other human institution, and one of the best services which we can render is to examine its defects. But responsible criticism should be constructive and directed entirely toward making the court a more efficient instrument for its purpose. The responsibility of publicists at such a time is a heavy one and every word should be carefully weighed.

I know that Dr. Borchard would not willingly say a word to hinder the cause of peace, and I am afraid that these hasty notes do but scant justice to his learned and able argument. With him I fully appreciate the magnitude of the obstacles which still lie in our way and which it would be folly to ignore. Where I differ from him is in refusing to regard these obstacles as permanent and immovable. They are the product of a defective state of public opinion, and by a wholesome development of public opinion they can be removed. The establishment of the permanent international court is now an accomplished fact. Our duty now consists in doing all in our power to make it a success.

## THE INTER-PARLIAMENTARY UNION AND THE LEAGUE OF NATIONS

Report by the Right Hon. Lord Weardale, President of the  
Inter-Parliamentary Council

THE EXECUTIVE COMMITTEE of the Union, in regulating the provisional program of the Conference, after determination of the subjects and their order of submission to the Conference, naturally was profoundly anxious to select as the "rapporteurs" for each one of them the most obvious and suitable names, of weight and authority. It was in the pursuance of that intention that it first of all addressed itself to Lord Robert Cecil to undertake to propose the resolution with which I have now the honor to be intrusted. He has taken a prominent share in the Congress of Versailles and particularly in drafting the Covenant of the League of Nations, and ever since has been active in its support. Much to our regret, and I may also say to his, public duties at home did not permit him to do so. We had then hoped that certain eminent legal authorities, such as Lord Phillimore and Lord Shaw of Dunfermline, might have been prevailed upon to replace him, but for similar reasons they were also compelled to decline.

In these circumstances, although conscious that I have no claim to the special technical acquaintance with the subject which any of the gentlemen I have mentioned possess, I have somewhat reluctantly undertaken to become the sponsor of the first resolution, and in one particular I may perhaps advance some pretension to assume this great responsibility. For more than thirty years—indeed, from the date of the first establishment of the Union—I have been faithful in its service and to the cardinal principle upon which it is founded, and surely it is that principle, viz., the free and cordial co-operation of all the nations of the world for the preser-

vation of international peace, that is enshrined in the constitution of the League of Nations.

Slowly, but persistently, the Union has pursued the realization of this great ideal. It may not be able to point to any remarkable accomplishment, but by gradual steps it has had, I think, an important share in the progressive movement that led to the establishment of the Hague Tribunal, and to the widespread enactment of treaties of arbitration, which have averted many a threatened conflict, and which, if faithfully observed, might even have avoided the appalling war from which we have just emerged. It is not necessary that I should weary you with a prolonged recital of the various resolutions adopted at succeeding conferences, carrying further, on each successive occasion, the doctrines which form our creed, the different proposals for the adjustment of international differences, the limitation of ruinous armaments, or the neutralization of States and the great arteries of trade and intercourse. All of them were directed to the same purpose, the elimination, wherever possible, of every obvious cause for international discord, and the progressive development of a stable condition of international relations, relying not upon force, but upon justice, and justice alone, for its sanction.

And in that prospect the eventual establishment of a well-considered society of nations was the ultimate goal to which we, one and all, aspired. It would therefore appear that the Union, in view of its honorable past, has a special obligation in reference to the League of Nations, brought into existence, it is true, at a time when its activities were necessarily suspended, and for which, therefore, it can claim neither responsibility nor praise, but which, in its spirit and intention, is the natural outcome of its many years of steadfast advocacy.

And this brings me to the consideration of the circumstances in which the League was created, unfortunately at a moment when the war passions were still at fever heat and men's minds profoundly disturbed, and therefore in an atmosphere hardly adapted to the best consideration of so grave and fundamental an object, which required for its successful treatment the calmest deliberation and the coolest judgment.

Europe may then have been truly described as divided into two hostile camps, and although the pronouncements of President Wilson and his enunciation of the celebrated fourteen points were greeted with almost fervent enthusiasm in every quarter, it soon became evident in the course of the prolonged proceedings of the Congress of Versailles that his lofty appeals had fallen, so far as the statesmen of the world were concerned, upon somewhat deaf ears, and that the noble objects to which he directed their efforts were unlikely to be completely accomplished. In making this general observation I am naturally not alluding to any other topic than the Covenant of the League of Nations, to which my resolution alone refers.

Many of us, and I am one, sincerely rejoice that a society of nations, however much its form and constitution may be open to criticism, has been brought into existence. It is the realization in principle of an ideal for which we have long striven, and which to most people seemed to be only a distant and ever-receding prospect; for, whatever its faults or omissions, the fact

that a great majority of the nations of the world have adhered to it, in my humble judgment, gives cause for legitimate satisfaction.

Having said so much in cordial approval, I nevertheless cannot but recognize that the League of Nations in its present form somewhat imperfectly achieves our design, and indeed can never fully do so until, by judicious reconsideration and amendment, all nations at present reluctant to adhere to it are convinced that it no longer presents grave elements of danger, offers no offense to their national susceptibilities, and embarks them on no engagements to which they cannot properly subscribe. I therefore sincerely welcome the fact that almost the first act of importance accomplished by the League since its establishment, and certainly its most notable, is the adoption of the scheme for the Permanent Court of International Justice, as formulated by the commission of jurists presided over by Mr. Elihu Root, justly eminent as a statesman and as an international lawyer of great renown.

I regard it, I frankly confess, as the corner-stone of the ultimate edifice of an altogether satisfactory society of nations, for it should establish—and that with me is a fundamental requisite—that the basis upon which it is reared is wholly judicial in character, and that whatever administrative or operative provisions it also necessarily comprises really proceed in their inception from juridical sanction and authority and are not open to the objection that they have a quasi-political origin.

We are honored today by the presence of a highly representative deputation from the United States of America, the most important of those nations who have either refused or have hitherto shown no eagerness to join the League in its existing form. We welcome it with particular pleasure, and I desire to thank these delegates for kindly communicating to the secretariat, in accepting the invitation to the Conference, a brief but lucid statement of their general attitude. It will give us, I think, an opportunity for a most frank and useful discussion; for I gather from its terms that, while attending the Conference as supporters of the original purpose of the Union and most willing and ever anxious to give it their continued support, they desire to maintain a strictly non-committal attitude upon the particular question which we are now about to debate. I do not infer from this document that they would absolutely close the door upon every form of association of nations. On the contrary we have most encouraging evidence of the large-minded disposition in that connection of President Harding and his government in summoning an international conference to discuss problems of disarmament, more especially, it is true, in reference to the Pacific Ocean, but which may not unfairly be regarded as a just and most judicious step toward the consideration of matters of broader import and of world-wide significance.

Every one who carefully followed the public discussion in the press of the senatorial debates must, I think, have become convinced that there existed substantial reasons in the minds of the people of the United States against acceptance in its present form of the Covenant of the League of Nations. We shall in all probability have them expounded to us here with the weight of great

authority by the American delegation, and I am sure that I may say with perfect sincerity, on behalf of every member of the Conference, however ardent a supporter he may be of the existing League, that we shall give to their addresses the most sympathetic attention, desirous of finding in them, not subjects of difference, but points of agreement. The mere fact that they are present with us on this occasion should give to this Conference peculiar importance and should furnish to the world striking evidence of the utility of the Union as an arena where these great issues can be frankly debated, and thus powerfully contribute to the formulation of those modifications, perhaps considerable and momentous, which might render a society of nations no longer an object of suspicion to our American friends, and facilitate through essential amendments the creation of an institution all-embracing in its constitution and of commanding authority, based as it should be upon universal acceptance and support. And how great, may I urge, is the necessity of such an organization! We see every day, even in the presence of a new-born League of Nations, repeated appeals for so-called sanctions of a different order, founded upon force alone and wholly oblivious of those visions of a promised better world so loudly proclaimed at the termination of the war, a world chastened by cruel experience, a world seeking nobler methods for the settlement of its differences, and intent solely upon the assured peace and prosperity of the people.

I have so far dealt, however imperfectly, with the general aspects of the situation. I must now refer more especially to the resolution which I am charged to propose, the terms of which I will proceed to read:

## I

The 19th Inter-Parliamentary Conference cordially welcomes the institution of the League of Nations, which it is entitled to consider as an important result of the work zealously pursued by the Union for a long series of years, with the aim of organizing the world for the maintenance of peace.

Without desiring to make any detailed pronouncement as to the different stipulations of the Covenant, nor as to the organization and the activity of the League, the Conference registers as its opinion that it is urgent and necessary that the League attain as quickly as possible that universal, all-embracing character without which it is unable to exercise the high mission with which it is entrusted.

## II

The Conference is of the opinion that the Inter-Parliamentary Union cannot, at the present time, devote itself to a more useful and practical work than the support of the action of the League of Nations in the field of international co-operation and in its efforts for the maintenance of peace and for a drastic reduction of armaments.

It approves the action of the Inter-Parliamentary Council as expressed in the appeal to the groups, of April 12, 1921, and asks the Inter-Parliamentary Bureau to call the attention of the groups to all useful measures they might be able to take in their parliaments and with their governments, in order to support the activity of the League and to obtain the execution of its resolutions and recommendations in the above directions.

I have now to furnish reasons why, in my judgment, the Inter-Parliamentary Union is specially qualified to act the important part which the resolution assigns to it.

In the first place, then, I must emphasize the steadfast attitude of the Union during the prolonged and difficult period during which the World War was raging. The Inter-Parliamentary Union claims to be an essentially international institution. If it ceases to be international in action or in spirit, its utility and existence must come to an end. Thanks to the extraordinary tact of our distinguished Secretary General, it was successful in maintaining our organization intact and in preserving an irreproachable neutrality throughout five years of conflict. The freedom of the several groups remained, of course, entire, and many of them took occasion to adopt resolutions embodying their particular points of view, couched in vigorous language; but the secretariat of the Union held aloof from all these manifestations, while neglecting no favorable opportunity for furthering, from a neutral standpoint, the cause of peace. This course of conduct, difficult in the extreme, has, however, led to unfavorable criticism, more particularly from our French and Belgian friends, and it is due to their interpretation of the action which should have been taken by the Union that we have regretfully to record their absence from among us today. But I do not despair that in process of time they will recognize how fatal to the Union would have been any other conduct, by the persistent pursuance in which we now at least can claim, after so many years of patient and relative inactivity, to have preserved inviolate our status and our international character.

The second point upon which I will dwell for a moment with great insistence is the particular composition of the Union, based as it is upon parliamentary representation and that alone, and giving to it, therefore, an authority that cannot be denied and which is possessed by no other body.

Are we in these circumstances too presumptuous in asserting a pretension to be almost a necessary supplement to the League of Nations?

That body, as established by the Covenant in the Treaty of Versailles, has been now in existence for nearly two years; but it would be obviously unjust, I would urge, to pronounce any definite judgment upon its operation as a whole. It is still more or less in its infancy, and time and fair play must be accorded before it will be possible to say with confidence in what particulars it has failed or is likely to fail in satisfying public expectations. In the admirable character of its general purpose, surely we are all agreed? Even those who have never adhered to it cannot contend that its aims are not worthy of universal approval.

In the course of the debate to which my resolution will doubtless give rise, we shall hear very naturally a succession of reasons advanced condemnatory of the Covenant of the League of Nations. Blemishes in it, I think, must be recognized, and some of them of a very serious and even vital nature; but they are all, as it seems to me, capable of remedy, and perhaps the most important of them is the unrepresentative character of its Assembly, which by the existing constitution is essentially bureaucratic.

Unquestionably, whatever amendments it may be possible to introduce into the Covenant in the immediate future, and it must be admitted that experience alone can dictate the eventual and definite form which a really authoritative and universally acceptable society of nations will assume, it will scarcely be denied that the principle of popular representation in the Assembly of the League must necessarily be conceded. Meanwhile, what body can more reasonably claim to supply that admitted deficiency than the Union, voicing, as it does, the concerted opinion of parliaments? The Inter-Parliamentary Union has a great rôle indicated to it as the friendly commentator and councillor of the Assembly of the League of Nations, and its considered resolutions cannot be lightly regarded.

I think I have in my general observations covered most of the ground comprised in my resolution, and I have reserved almost to the last reference to the important subject of the admission or adhesion to the League of those States which are not yet members of it.

First and foremost, I think it will be generally recognized that the continued exclusion of Germany is inadmissible. I must be excused if I refrain from a lengthy examination of this question, for I am most anxious to avoid any occasion for recriminatory discussion, and I will confine myself to the simple proposition that 60 million highly educated and gifted people, in the heart of Europe, cannot be permanently or even temporarily forbidden co-operation in the League of Nations, if that League is ever to achieve a position of recognized authority and confidence. In such a great and solemn undertaking, only the complete and cordial support of every race can confidently aspire to success. Little as well as great nations must be invited to join, and the new states recently brought into existence must be welcomed in its ranks.

For how grave is the responsibility of the civilized world if this great venture, this courageous effort to avert the horrors of war, were to fail! Can we forget the millions of dead—young men in the prime of life—the even greater number of maimed and permanently disabled, the immeasurable suffering, mourning and devastation, the wasted wealth, the dreadful hatreds, the consequences of the late war? Shall all that cruel experience avail us nothing? Is there any sacrifice, any exertion, which mankind should refuse to make to render forever impossible a repetition of these indescribable miseries?

It is in the contemplation of these terrible recollections that I venture to make an earnest appeal to our friends, the United States of America. I respect their doubts and hesitations. In some measure, at least, I have expressed my acquiescence in them; but can they remain altogether deaf to this appeal from a stricken world? It is true that they inhabit a different hemisphere, that our differences are generally no immediate concern of theirs, and that they cannot accept, without great reservations and safeguards, to share our responsibilities. But, while making free admission of these premises, I may remind them that they are, nevertheless, members—and most important ones—of the great human family; and how well they have shown in one direction their recognition of that fact in the magnificent generosity they have displayed in every field of

philanthropic activity. They have rescued, by their timely assistance, countless human lives, and they have rushed to the relief of distress in the famine districts of central and eastern Europe. Will they now refuse us the greatest service of all, to take a hand—and how powerful a one we know it would be—in the establishment of a world-wide organization for the maintenance of peace?

This Conference will not, perhaps, furnish us with a complete answer; but I cannot but hope that through its discussion, in which, happily, distinguished Americans will take part, much may be done to clear the air, to dissipate misconceptions, and thus facilitate the reconsideration of this matter by the people of the United States. Having a lifelong and familiar acquaintance with them, I well know how responsive they are to every noble purpose which their reasoned intelligence approves, and I am therefore sanguine enough to entertain confident expectations of their ultimate participation.

I will not enter into a particular examination of the provisions of the Covenant. They will form the main subject of our discussion, but I may formulate an anxious hope that the Conference will arrive at a substantial agreement as to the modifications which may appear desirable and will accept in its broad outline the resolution which I now have the honor to propose.

## WAR BETWEEN THE UNITED STATES AND JAPAN IMPOSSIBLE

By BARON SAKATANI

There must be read into this paper the more recent progress made toward settlement of the Yap dispute; but, in general, Baron Sakatani, we believe, has given the viewpoint of active and influential Japanese champions of peaceful relations between the two countries.—THE EDITORS.

IN DISCUSSING American-Japanese relations, the following questions are frequently cited as potential causes of war between the two countries: (1) Japanese immigration question; (2) the Yap mandate and the cable question; (3) the Korean question; (4) Chinese issues; and (5) Siberia. I have examined these questions and I cannot believe that they constitute any serious reason for supposing that Japan and the United States will ever go to war.

As to immigration, the fundamental views maintained by the Japanese and the American Governments seem to be identical. The American Government wishes no new immigrants, and, on the other hand, the Japanese Government does not wish to send more, determined to observe the gentleman's agreement. A thorough understanding has, therefore, been reached between the two countries. Americans do not like Japanese immigrants because the Japanese are diligent in work and socially clannish, not easily assimilable, and not that they despise the Japanese as an inferior race. Disputes arise out of matters affecting economic as well as social life, and there is some race prejudice.

### FREE IMMIGRATION IN THEORY

Needless to say, Japanese seek free immigration, not only in America, but in the world. However, this is not